

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

BOBBY GENE WHITE,
Plaintiff

CIVIL ACTION NO. 1:11-cv-507

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DR. ABDUL JAMALUDEEN
Defendant.

REBUTTAL BRIEF IN SUPPORT OF
BOBBY GENE WHITE MOTION NOT TO DISMISS

COMES NOW Plaintiff Bobby Gene White ("mr. white") by pro se Plaintiff, and, pursuant to Rule 12(b)(6) of The Federal rules of civil Procedure and Rule 7(F) of This court's Local civil Rules, submits This rebuttal Brief in support of motion Not to dismiss .

REPLY AND REBUTTAL

pro se Bobby Gene white replies to The rebuttal Brief submitted By Dr. Jamaludeen's Counsel Kevin J. O'Brien as follows:

1. The Allegations That I Bobby Gene white #DSI 10-00352 made was To let The court's know that I Did not recieve 4 month's of Physical Therapy as Defendant Dr. Jamaludeen said I Did. By giving cost and Dates of Physical Therapy from the time of my Bobby Gene white's injury 3-24-11 I Bobby Gene white was discharged from hospital with dislocated shoulder. Defendant Dr. Jamaludeen had knowledge of it. He waited for Records from hospital. Defendant Dr. Jamaludeen did not send me Bobby Gene white to outside medical facical for X-Rays until 4-18-11 almost 1 month after injury. see petrichko v. Kurtz, 117 F. Supp. 2d 467, 473 (E.D. PA 2000). (Denial of access to a physician for two week's could constitute deliberate indifference)

Then Defendant Dr. Jamaludeen opted to give me Physical Therapy not surgery. This is common sense Practical Judgment to have my Bobby Gene white's shoulder Put Back in Place by surgery and Then Physical Therap. And Then it was another month Before I received Physical Therapy 5-27-11. (D. or. 2002) ("Deliberate indifference claim was supported where Plaintiff was examined regularly by medical staff but "There is an ongoing pattern of ignoring, and failing to timely respond to or effectively manage, Plaintiff's chronic pain"); Greene v. Daley, 419 F.3d 645, 655 (7th Cir. 2005); white v. Napoleon, 897 F.2d 103, 109 (3d Cir. 1990); Ruffin v. Deperno, 97 F. Supp. 2d 346, 353 (W.D. N.Y. 2000) (holding Jury could find that treatment's "consisted of little more than documenting [Plaintiff's] worsening condition" and continuing ineffective treatment, notwithstanding frequent examinations).

And eventual to specialist). Ramos v. Lamm, 639 F.2d 559,
575 (10th Cir. 1980); accord, Harris v. Thigpen, 941 F.2d 1495, 1505
(11th Cir. 1991); DeGidio v. Puny, 920 F.2d 525, 533 (8th Cir. 1990)
("consistent pattern of reckless or negligent conduct"
establishes deliberate indifference);

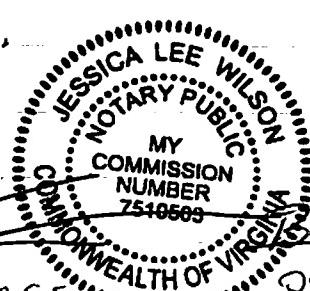
And it was false when Defendant said I received 4 months
Physical Therapy, 19 hours Therapy from 5-27-11 to 7-12-11 which
Courts have Records of These statements. And Then two more
month Before receiving surgery 9-15-11. Defendant Dr. Jamakudus
prolonged my surgery with unnecessary Pain and suffering

McGuckin v. Smith, 974 F.2d at 1050, 1060 (9th Cir. 1992)
(condition that "significantly affects an individual's daily
activities" is actionable);

CONCLUSION

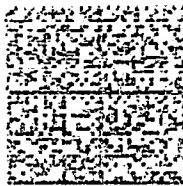
For These Reasons The Court's should not dismiss
This case because it Does, in fact, state a claim upon
which relief can be granted.

Notary Public
Date 1-26-12


Jessica Lee Wilson
Notary Public
Commonwealth of Virginia
My Commission Number
7510569
witness
Date 1-26-12
Plaintiff
Date 1-26-12

BOBBY Gene white DSI 10 003521
Virginia Beach Correctional center
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Virginia Beach, VA
23456

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